

MOTOR VEHICLE RENTAL COMPANY FEE DISCLOSURES

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: J. Stuart Adams

House Sponsor: Ryan D. Wilcox

LONG TITLE

General Description:

This bill modifies provisions relating to motor vehicle rental companies.

Highlighted Provisions:

This bill:

- ▶ provides definitions;
- ▶ provides that a motor vehicle rental company may include separately stated surcharges, fees, or charges in a rental agreement, including motor vehicle license cost recovery fees, airport access fees, airport concession fees, and all applicable taxes;
- ▶ provides that if a motor vehicle rental company includes a motor vehicle license cost recovery fee as a separately stated charge in a rental transaction, the amount of the fee shall represent the motor vehicle rental company's good-faith estimate of the motor vehicle rental company's daily charge as calculated by the motor vehicle rental company to recover certain costs;
- ▶ provides that if the total amount of the motor vehicle license cost recovery fees collected by a motor vehicle rental company under this section in any calendar year exceeds certain costs for that calendar year, the motor vehicle rental company shall retain the excess amount and adjust the estimated average per vehicle fee for the following calendar year by the corresponding amount; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

30 **Other Special Clauses:**

31 None

32 **Utah Code Sections Affected:**

33 ENACTS:

34 **13-48-101**, Utah Code Annotated 1953

35 **13-48-102**, Utah Code Annotated 1953

36 **13-48-103**, Utah Code Annotated 1953



38 *Be it enacted by the Legislature of the state of Utah:*

39 Section 1. Section **13-48-101** is enacted to read:

40 **Part 48. Motor Vehicle Rental Company Disclosure Act**

41 **13-48-101. Title.**

42 This part is known as the "Motor Vehicle Rental Company Disclosure Act."

43 Section 2. Section **13-48-102** is enacted to read:

44 **13-48-102. Definitions.**

45 As used in this section:

46 (1) "Motor vehicle license cost recovery fee" means a fee or charge that may be
47 separately stated and charged on the short-term motor vehicle lease or rental contract in a
48 motor vehicle lease or rental transaction originating in this state to recover the costs incurred by
49 a motor vehicle rental company to license, title, register, obtain license plates for, and inspect
50 rental motor vehicles.

51 (2) "Motor vehicle rental company" means any person or organization in the business
52 of renting motor vehicles to the public.

53 Section 3. Section **13-48-103** is enacted to read:

54 **13-48-103. Motor vehicle rental company -- Fee disclosure and collection**
55 **requirements.**

56 (1) A motor vehicle rental company may include separately stated surcharges, fees, or
57 charges in a rental agreement, including:

58 (a) motor vehicle license cost recovery fees;

59 (b) airport access fees;

60 (c) airport concession fees; and

61 (d) all applicable taxes.

62 (2) If a motor vehicle rental company includes a motor vehicle license cost recovery
63 fee as a separately stated charge in a rental transaction, the amount of the fee shall represent the
64 motor vehicle rental company's good-faith estimate of the motor vehicle rental company's daily
65 charge as calculated by the motor vehicle rental company to recover its actual total annual
66 motor vehicle titling, registration, obtaining license plates, and motor vehicle inspection and
67 emission costs.

68 (3) If the total amount of the motor vehicle license cost recovery fees collected by a
69 motor vehicle rental company under this section in any calendar year exceeds the motor vehicle
70 rental company's actual costs to license, title, register, and obtain license plates for the motor
71 vehicles and have the motor vehicles pass inspections and emissions for that calendar year, the
72 motor vehicle rental company shall retain the excess amount and adjust the estimated average
73 per motor vehicle license cost recovery fee for the following calendar year by the
74 corresponding amount.